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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/714,821

11/17/2003

Yoko Yamashita

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EXAMINER

THOMASSON, MEAGAN J

ART UNIT

PAPER NUMBER

3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/21/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/714,821

Applicant(s)

YAMASHITA, YOKO

Examiner

Meagan Thomasson

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/17/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-3, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Geiger (US 4,650,190).**

Regarding claims 1 and 7, Geiger discloses a gaming machine comprising a gaming board which is constructed so that a game ball is movable on a front surface side of the game board (col. 4, lines 31-37; col. 2, lines 35-43); a game mechanism which includes a shooting portion for shooting the game ball onto the front surface side of the game board (col. 4, lines 31-37); and game components arranged on the game board so that the game ball moving on the front surface of the game board may be capable of winning a prize (col. 4, lines 31-37); wherein the game mechanism is capable of changing-over, at least between a first playable state, wherein a first game is playable with an inclination angle of the front surface of the game board relative to a virtual horizontal plane exceeding a predetermined angle, and a second playable state where a second game is playable with the inclination angle equal to or less than the predetermined angle (col. 2, lines 45-68).

Regarding claim 2, Geiger discloses the game machine further comprises an attitude change-over/holding mechanism capable of altering the inclination angle by

changing an installation attitude of a game machine body which includes the game board and the game mechanism, and holding the game machine body at various installation attitudes (col. 2, lines 45-68).

Regarding claim 3, Geiger discloses the game machine further comprises a first control portion which, when supplied with a control instruction for changing-over the playable state, causes the attitude change-over/holding mechanism to change the installation attitude of the game machine body (col. 2, lines 9-11).

Regarding claim 8, Geiger discloses the game machine further comprises a game machine body housing the game board and the game mechanism, and a mechanism selectively altering the inclination angle by changing an installation attitude of the game machine body (col. 4, lines 31-37).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 4, 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geiger (US 4,650,190) in view of Borg (US 5,112,049).**

Regarding claims 4, 5 and 9, as described above, Geiger discloses a gaming machine featuring a game board, a game mechanism, and game components, wherein the game board may be tilted relative to a virtual horizontal plane in order to increase or decrease the angle of inclination of the game board. Geiger does not disclose a first holding portion, which arranges and holds the game components for the first game at a first predetermined position in the game board in the first playable state, and a second holding portion which arranges and holds the game components for the second game, at a second predetermined position in the game board in the second playable state. The game components of Geiger are stationary, and their positions do not change during game play. However, Borg discloses a gaming machine that replaces game components with different game components during game play (abstract; col. 1, lines 29-36). Further, Borg discloses a control portion which, when supplied with a control instruction, causes the first holding portion to arrange the game components for the first game at the first predetermined position; and, when supplied with a second control instruction for changing-over the game machine, causes the second holding portion to arrange the game components for the second game at a second predetermined position (col. 3, lines 35-50). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Geiger and Borg due to their analogous inventions, namely gaming machines featuring a game board constructed so

that a game ball may be movable on the front surface of said game board, a game mechanism which includes a shooting portion, game components arranged on the game board, and multiple playable states of said gaming machine. One would have been motivated to do so in order to increase player excitement by offering a variety of playable states, including altering the game board inclination angle and presenting different game components.

**Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geiger in view of what is obvious to one of ordinary skill in the art.**

Regarding claims 6 and 10, wherein the gaming machine as described above further comprises a storage portion which stores first image data concerning images for the first game, and second image data concerning images for the second game; an image display portion which displays the images for the respective games, and a display control portion which causes the image display portion to display the image for the first game based on the first image data in the first playable state, and which causes the image display portion to display the image for the second game based on the second image data in the second playable state, Geiger discloses that the game machine may present visual and audio stimulation to a player in accordance with the current game play state of the gaming machine. Specifically, Geiger discloses that "when playing with an increased degree of difficulty (increased slope of the playing plate) an audible signal or another additional sound may be generated. Additionally light effects may be produced" (col. 3, lines 44-49). Thus, while Geiger does not specifically

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disclose utilizing a display, first image data and second image data, it would have been an obvious addition to one of ordinary skill in the art in light of the disclosure by Geiger to produce different visual and audio effects at different playable games states. One would have been motivated to do so in order to increase player stimulation and involvement in the game.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pertinent prior art includes Carlton et al. (US 6,623,373), Huang (US 6,279,904), Konotopsky (US 5,553,862), Gottlieb (US 5,238,248), Dobson (US 5,066,014), Gottlieb (US 5,064,196), Towie et al. (US 4,546,984), McQuary (US 4,266,780), Fabricant (US 3,858,883) and Schindler (US 139,425). All pertinent prior art pertains to gaming devices featuring tilt-able playing surfaces.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan Thomasson whose telephone number is (571) 272-2080. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Meagan Thomasson  
February 15, 2007

 2/20/07  
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